REMARKS

Claims 1, 3, 14-21, 30, and 33-36 are currently pending. Claims 1, 20, 30, and 35 have been amended. Claim 36 has been withdrawn as drawn to a non-elected invention. New claims 37-38 have been added.

Claim 1 has been amended, and now recites "a chemically modified nucleic acid molecule, wherein: (a) the nucleic acid molecule comprises a sense strand and a separate antisense strand, each strand having one or more pyrimidine nucleotides and one or more purine nucleotides; (b) each strand of the nucleic acid molecule is independently 18 to 27 nucleotides in length; (c) an 18 to 27 nucleotide sequence of the antisense strand of the nucleic acid molecule is complementary to a human vascular endothelial growth factor (VEGF) RNA comprising SEQ ID NO:474; (d) an 18 to 27 nucleotide sequence of the sense strand is complementary to the antisense strand and comprises an 18 to 27 nucleotide sequence of the human VEGF RNA; (e) about 50 to 100 percent of the nucleotides in the sense strand and about 50 to 100 percent of the nucleotides in the antisense strand are chemically modified with modifications independently selected from the group consisting of 2'-O-methyl, 2'-deoxy-2'-fluoro, 2'-deoxy, phosphorothioate and deoxyabasic modifications; and (f) one or more of the purine nucleotides present in one or both strands of the nucleic acid molecule are 2'-O-methyl purine nucleotides and one or more of the pyrimidine nucleotides present in one or both strands of the nucleic acid molecule are 2'-deoxy-2'-fluoro pyrimidine nucleotides."

More particularly, the term "double stranded" has been deleted from claim 1, so as to avoid repetition of what is made clear in the body of the claim, i.e., that the molecule of claim 1 is a double stranded nucleic acid molecule. Claim 1 has also been amended in item a. to recite that "the nucleic acid comprise a sense strand and a separate antisense strand …" and in item b. to recite "each strand of the nucleic acid molecule is independently 18 to 27 nucleotides in length," emphasizing that the strands of the nucleic acid molecule of claim 1 are separate and distinct. Claim 1 has been further amended in items c., d., and e. to improve grammatical coherence. Support for claim 1, as amended, can be found throughout the specification as filed.

Claim 20 has been amended to correct an inadvertent error introduced in a prior submission.

Support for this claim, as amended, can be found in the original specification, for example, at page 35, lines 4-21; page 45, line 20, to page 46, line 2; and elsewhere. Claim 30 has been amended to specify the inclusion of a terminal phosphate group at the 5'-end of the antisense strand. As amended, this claim finds support in the original specification, for example, at page 67, line 3, to page 68, line 20, and elsewhere. Moreover, claim 35 has been amended to depend from claim 1. As amended, this claim also finds support in the original specification, for example, at pages 32-35.

Applicants have also added new claims 37-38. Claim 37 depends from claim 1, and recites a chemically modified double stranded nucleic acid molecule, wherein the antisense strand, sense strand, or both the antisense and the sense strands include a 3'-overhang of 1-3 nucleotides. Support for new claim 37 can be found in the specification at, for example, page 16, lines 13-15, page 36, lines 8-29, and elsewhere in the specification. Claim 38 depends from claim 37 and recites a chemically modified double stranded nucleic acid molecule wherein the nucleotides of the 3'-overhang are chemically modified as specified. Support for new claim 38 can be found in the specification at, for example, pages 32-36.

Amendments to the claims are made without prejudice or disclaimer, and do not constitute amendments to overcome any prior art or other statutory rejections. They are fully supported by the specification as filed and thus do not introduce new matter. Additionally, these amendments are not and should not be construed as admissions regarding the patentability of the claimed subject matter. Applicants reserve the right to pursue the subject matter of the previously presented claims in this or in any other appropriate patent applications. Accordingly Applicants respectfully request the entry of the amendments presented herein.

1. Continued Examination Under 37 C.F.R. 1.114

Applicants thank the Examiner for entering Applicants' submission filed on May 1, 2007, in connection with a Request for Continued Examination. Applicants also thank the Examiner for acknowledging new claims 34-36.

2. Election/Restrictions

The Examiner alleged that restriction to one of the inventions set forth in Groups I-II is required under 35 U.S.C. § 121. *See* Restriction Requirement, at page 3. Specifically, the Examiner alleged that the inventions of Groups I and II are distinct because "the chemically modified double

stranded nucleic acid molecule that is complementary to a human vascular endothelial growth factor (VEGF) RNA of Group I can be used in a materially different process such as a hybridization probe in a method of identifying human VEGF expression in situ, which is materially different process than the method of inhibiting the expression of human vascular endothelial growth factor (VEGF), comprising administering a chemically modified double stranded nucleic acid molecule that is complementary to a human VEGF RNA of Group II." *Id.* at pages 3-4.

In response, Applicants elect herewith Group I (claims 1, 3, 14-21, 30, and 33-35), allegedly drawn to a chemically modified double stranded nucleic acid molecule that is complementary to a human vascular endothelial growth factor (VEGF) RNA comprising SEQ ID NO:474. This election is made with traverse.

Restriction of an application is discretionary, and a restriction requirement is made only to avoid placing an undue burden on the Examiner and the Patent Office. Where claims, such as those presented herein, can be examined together without undue burden, the Examiner must examine the claims on the merits, even though they may be directed to independent and distinct inventions. *See* MPEP 803.01.

Applicants' traversal is on the ground that no undue burden exists to examine all of the herein presented claims in their entirety. In particular, claims in Groups I and II recite closely related inventions based on the same inventive concept, *i.e.,* a chemically modified double stranded nucleic acid molecule and a method of using such a molecule. As such, art of the same class will be used to examine all the claims of the instant application. Accordingly, Applicants respectfully request that claims 1, 3, 14-21, 30, and 33-36 be examined on the merits.

Applicants further request that upon allowance of the claims in Group I, the Examiner consider the rejoinder of the method claim in Group II for examination on the merits.

In view of the foregoing, Applicants respectfully request early action on the merits. If the Examiner believes a telephone conference would expedite prosecution of this application, she is urged to telephone the undersigned at the telephone number below.

Respectfully submitted,

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